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SENSITIVE

SIPDIS

E.O. 12958: N/A

TAGS: ELAB PHUM KTIP TH

SUBJECT: Labor Fraud Case: Thai Workers to Libya

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¶1. (SBU) Summary: According to Thai authorities, in August and September 2008, the Thai Consular Section in Cairo, Egypt helped repatriate 57 Thai construction workers from Libya back to Thailand.

The workers, all male adults, traveled to Libya to work for a construction firm and contacted the Thai embassy in Egypt after not receiving payment as promised by the Thai labor broker who facilitated their travel. The Thai government considers the case to be one of labor abuse through fraud, but not human trafficking (TIP), since the purpose of the fraud committed by the labor broker was not for exploitation. The labor broker, who remains in Libya, is being charged with two criminal counts under Thai law. End Summary.

¶2. (SBU) Comment: According to an official with the International Organization for Migration, there are legitimate cases of Thai laborers traveling to work in Libya. While details regarding this particular case remain unclear (e.g., the identity of the construction firm involved), a United Nations counter-part stated that the RTG's determination that the laborers were not TIP victims is reasonable. Nonetheless, we will report developments of interest should they arise. End Comment.

¶3. (SBU) According to working level contacts at the Ministries of Labor (MOL), Foreign Affairs (MFA), and Social Development and Human Security (MSDHS), the Royal Thai Government (RTG) helped repatriate 57 Thai construction workers from Libya back to Thailand in August and September 2008. After a month working without pay in Libya, the construction workers (all men age 30-45) contacted the Thai Embassy in Cairo to request repatriation assistance (the Thai government has no diplomatic presence in Libya). The workers reported that, with the help of a Thai labor broker, they traveled to Sadao near the Thailand-Malaysia border and from there traveled into Malaysia in order to obtain Libyan tourist visas. They stated the broker promised to help change their tourist visas to work visas at some future date. Each worker reportedly paid between approximately USD 1,800 and 2,600 to the broker for his services.

¶4. (SBU) Upon repatriation (apparently), police officers and officials from the MOL and MSDHS interviewed the laborers in question, at least some of whom reside in northern Thailand. The laborers reported that after arriving in Libya and working for one month with a construction firm (NFI) in Sabha, none of them received payment from the broker as promised, even though their employer (the construction firm owner) had provided funds to the broker to pay salaries. The broker reportedly claims that he only received from the firm's owner part of the money to pay the workers, and that he (the broker) did not pay the Thais because they did not work.

¶5. (SBU) The workers told RTG officials that over the course of their stay in Libya, they had to ask other Thai workers to share food (or catch rabbits themselves) to have enough food to eat (workers interviewed by the RTG estimated that an additional 150 Thais were also working in Libya, potentially under similar circumstances). According to the RTG, the 57 Thai workers explained that they maintained their travel documents at all times, were not physically abused, and were not forced to work. The RTG has determined the laborers are not victims of human trafficking since the purpose of the fraud committed was not exploitation. (Note: Under Thailand's June 2008 TIP law, for a person to be guilty of trafficking in persons, three elements must exist: an action (procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving), a means (the threat or use of force, abduction, fraud, deception, abuse of power, or of the giving money or benefit), and an intention of exploitation (defined as seeking benefits from the prostitution, production or distribution of pornographic materials, other forms of sexual exploitation, slavery, causing another person to be a beggar, forced labor or service, coerced removal of organs for the purpose of trade, or any other similar practices resulting in forced extortion, regardless of such person's consent). End Note).

¶6. (SBU) Thai authorities have filed criminal charges against the labor broker (who remains in Libya) for operating without a broker license and for labor fraud. The RTG is now coping with the challenge of potentially repatriating the additional 150 Thai workers in Libya, made more difficult by Thailand's lack of an embassy there. A team of officials from the MFA and MOL are working on a repatriation plan. A contingent from the MFA flew to Libya November 12 and another team from MOL will fly to Libya on November ¶22. Note: The Libyan government originally declined, but then granted, visas to the MFA team. End Note.

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¶7. (U) Minimize considered.